

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Quantrell Wilson, #293585	)	Civil Action No. 3:11-cv-1035-RMG
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
SCDC Ozmint; Major Kenneth Sharpe;	)	
Chaplain George P. Windley; A/W Linda	)	
Bradshaw; Warden Gregory T. Knowlin,	)	
	)	
Defendants.	)	
	)	

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Plaintiff, proceeding *pro se*, brought this action alleging that his constitutional rights were violated and seeking relief pursuant to 42 U.S.C. § 1983. Pursuant to the provisions of 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) DSC, the case was automatically referred to the United States Magistrate Judge for all pretrial proceedings and a Report and Recommendation. On December 27, 2011, Defendants filed a motion for summary judgment. (Dkt. No. 35). Because Plaintiff is proceeding *pro se*, the Magistrate Judge issued a *Roseboro* Order, specifically advising Plaintiff of the importance of a dispositive motion and of the need for him to file an adequate response. (Dkt. No. 37). The *Roseboro* Order explained that if Plaintiff failed to adequately respond to the motion for summary judgment by the deadline, the case may be dismissed. (*Id.*). Notwithstanding this instruction, Plaintiff failed to respond to the motion for summary judgment. On February 6, 2012, the Magistrate Judge issued a second Order asking the Plaintiff to advise the Court as to whether he wished to continue pursuing the case and, if so, to file a response to Defendants' motion for summary judgment within fifteen days from the date of the Order. (Dkt. No. 40). The Order specifically instructed

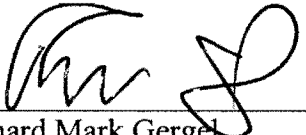
Plaintiff that this action would be recommended for dismissal if Plaintiff did not respond within fifteen days. (*Id.*). Again, Plaintiff failed to respond to the Court's Order.

On March 2, 2012, the Magistrate Judge issued a Report and Recommendation recommending that Plaintiff's case be dismissed with prejudice for lack of prosecution. (Dkt. No. 43). Again, Plaintiff was specifically instructed as to the deadline for filing objections to the Report and Recommendation and the serious consequences for failing to do so. (*Id.* at 3). Nevertheless, Plaintiff has never filed any objections to the Report and Recommendation or responded to Defendants' motion for summary judgment. Thus, it appears that the Plaintiff no longer wishes to pursue this action. As a result, this Court adopts the Magistrate Judge's Report and Recommendation as the order of this Court and incorporates it herein.

#### **Conclusion**

Accordingly, the Complaint is **DISMISSED** with prejudice for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir.1982).

**AND IT IS SO ORDERED.**

  
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Richard Mark Gergel  
United States District Court Judge

March 22, 2012  
Charleston, South Carolina